

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

PETER STRAIN,

Defendant.

CONSENT PRELIMINARY ORDER  
OF FORFEITURE AS TO  
SPECIFIC PROPERTY

S1 13 Cr. 906 (GBD)

:

X

WHEREAS, on or about March 5, 2014, PETER STRAIN (the "Defendant") was charged in a one-count Superseding Information, S1 13 Cr. 906 (GBD) (the "Information"), with interstate transportation of stolen goods, in violation of Title 18, United States Code, Section 2314;

WHEREAS, the Information included a forfeiture allegation as to Count One of the Information seeking, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), the forfeiture of any property constituting, or derived from, proceeds obtained directly or indirectly as a result of the offense, including the following:

Artist	Artwork
Richard MacDonald	Doves
Richard MacDonald	Pas de Deux Elegance
Richard MacDonald	Midnight
Richard MacDonald	Juliet III
Carol Alleman	Celestial Joy
Jim Lamb	Arizona Sundown
Michael Hill	England's Early Morning Light

Kevin MacPherson	Port Clyde Light
Scott Yeskel	The Drifter
Clive Tyler	Southern Oak
Dennis Doheny	Day Break
Dennis Doheny	Spring, Pine Mountain
Mario Jung	Happy Blossoms
Stephanie Marzella	Windswept Light
Mark Beck	Above the Water
Mark Beck	After the Rain
Peter Lik	River of Zen
Peter Lik	Spirit of America
Peter Lik	Enchanted
Peter Lik	Tree of Dreams
Peter Lik	Hidden Secret
Peter Lik	Guardian of the Cliffs
Peter Lik	Night Over Brooklyn

(collectively, the "Specific Property");

WHEREAS, on or about March 5, 2014, the Defendant pled guilty to Count One of the Information and admitted the forfeiture allegation with respect to Count One of the Information, pursuant to a plea agreement with the Government (the "Plea Agreement"), wherein the Defendant agreed to forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), all of his right, title and interest in the Specific Property;

WHEREAS, pursuant to the Plea Agreement, the Defendant further agreed that he will not file a claim or a petition for remission or mitigation in any forfeiture proceeding involving the Specific Property and will not assist anyone else in doing so and to take all necessary steps to pass clear title to the

Specific Property to the United States, including, but not limited to, the execution of all necessary documentation;

WHEREAS, the Defendant consents to the forfeiture of all of his right, title, and interest in the Specific Property;

WHEREAS, the Defendant agrees that the Specific Property is forfeitable to the United States because the Specific Property constitute or are derived from, proceeds obtained directly or indirectly as a result of the offense charged in Count One of the Information;

WHEREAS, pursuant to Federal Rule of Criminal Procedure 32.2(b)(4)(A), the Defendant consents to this Consent Preliminary Order of Forfeiture as to Specific Property becoming final as to his interests prior to sentencing;

WHEREAS, pursuant to Title 21, United States Code, Section 853(g), and Rules 32.2(b)(3), and 32.2(b)(6) of the Federal Rules of Criminal Procedure, the Government is now entitled, pending any assertion of third-party claims, to reduce the Specific Property to its possession and to notify any and all persons who reasonably appear to be a potential claimant of their interest herein;

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Preet Bharara, United States Attorney, Assistant United States Attorney James J.

Pastore, Jr., of counsel, and the Defendant, and his counsel, Melinda Sarafa, Esq., that:

1. As a result of the offense charged in Count One of the Information, to which the Defendant pled guilty, all of the Defendant's right, title and interest in the Specific Property is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of Title 21, United States Code, Section 853.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, upon entry of this Consent Preliminary Order of Forfeiture as to Specific Property, this Consent Preliminary Order of Forfeiture as to Specific Property is final as to the Defendant, PETER STRAIN, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. Upon entry of this Consent Preliminary Order of Forfeiture as to Specific Property, the United States Marshals Service (or its designee) is authorized to seize the Specific Property and hold the Specific Property in its secure custody and control.

4. Pursuant to Title 21, United States Code, Section 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for Admiralty or Maritime Claims and Asset

Forfeiture Actions, the United States shall publish for at least thirty (30) consecutive days on the official government internet forfeiture site, www.forfeiture.gov, notice of this Consent Preliminary Order of Forfeiture as to Specific Property. Any person, other than the Defendant in this case, claiming an interest in any of the Specific Property must file a petition within sixty (60) days from the first day of publication of the notice on this official government internet site, or no later than thirty-five (35) days from the mailing of actual notice, whichever is earlier.

5. This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in any of the Specific Property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title and interest in any of the Specific Property and any additional facts supporting the petitioner's claim and the relief sought, pursuant to Title 21, United States Code, Section 853(n).

6. Pursuant to Rule 32.2(b)(6)(A) of the Federal Rules of Criminal Procedure, the Government shall send notice to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding.

7. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture with respect to the Specific Property pursuant to Title 21, United States Code, Section 853(n) and Rule 32.2(c)(2) of the Federal Rules of Criminal Procedure, in which all third-party interests will be addressed.

8. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture as to Specific Property, and to amend it as necessary, pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure.

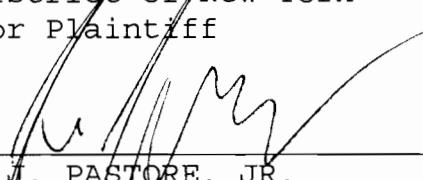
9. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, upon entry of this Consent Preliminary Order of Forfeiture as to Specific Property, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas, pursuant to Rule 45 of the Federal Rules of Civil Procedure.

10. The Clerk of the Court shall forward three certified copies of this Order to Assistant United States Attorney Sharon Cohen Levin, Chief of the Money Laundering and Asset Forfeiture Unit, One St. Andrew's Plaza, New York, New York 10007.

11. The signature page of this Consent Preliminary Order of Forfeiture as to Specific Property may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

PREET BHARARA  
United States Attorney for the  
Southern District of New York  
Attorney for Plaintiff

By: 

JAMES J. PASTORE, JR.  
Assistant United States Attorney  
One St. Andrew's Plaza  
New York, New York 10007  
Tel. (212) 637-2418

5-8-14

DATE

PETER STRAIN  
DEFENDANT

By: 

PETER STRAIN

5/8/14

DATE

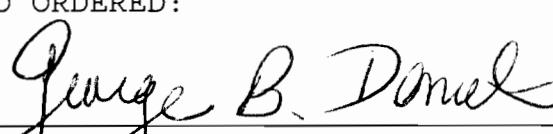
By: 

MELINDA SARAFAS, ESQ.  
Attorney for Defendant  
Sarafa Law LLC  
747 Third Avenue, 20<sup>th</sup> Floor  
New York, New York 10017  
Tel.: (212) 785-7577

5/8/14

DATE

SO ORDERED:

  
HONORABLE GEORGE B. DANIELS  
UNITED STATES DISTRICT JUDGE

MAY 08 2014

DATE